

**MINUTES OF THE REGULAR MEETING OF THE
IDAHO STATE BOARD OF CHIROPRACTIC PHYSICIANS**

**BOISE, IDAHO
January 12, 1999**

The Idaho Board of Chiropractic Physicians met at the Bureau of Occupational Licenses, 1109 Main Street, Ste. 220, Boise, Idaho, on January 12, 1999. The meeting was called to order by Dr. Moldenhauer at 1:10 p.m. with the following Board members present:

Dr. Glenn Moldenhauer, Chair
Dr. Eric Boughton, Vice-Chair
Ms. Sandra Averill, Secretary
Dr. James Hollingsworth, Member

Also in attendance were:

Carmen Westberg, Bureau Chief
Budd Hetrick, Deputy Bureau Chief
John Kersey, Supervising Investigator
Roger Hales, Administrative Attorney
Kirsten Wallace, Deputy Attorney General

Examinations of candidates were conducted beginning at 8:30 a.m. in the Gallery Room.

Financial Report

Ms. Westberg presented the Financial Report to the Board, reporting a balance of 82,229.90.

Peer Review Committee

Dr. Boughton sought information from Ms. Westberg on the process of and timing of seeking funding for the Peer Review Committee. Ms. Westberg advised that the Board Chair will receive notice in the Spring requesting budgetary input for any new items. Ms. Westberg then submits requests for appropriation to the Legislature. Dr. Moldenhauer stated the need for the Board to begin its budget process for the 2000-2001 fiscal year budget at its April meeting in order to meet the deadlines for submission. The Board discussed various aspects of start-up costs for the Peer Review Committee. Dr. Moldenhauer discussed Dr. Carr's materials and potential expenses for training the Peer Review Committee.

Investigative Report

Mr. Kersey advised the Board that four investigations had been closed since the Board's last meeting. Dr. Hollingsworth asked that Mr. Kersey cite the appropriate law/rule violations on the investigation reports.

Mr. Kersey requested that Board members return copies distributed to them of the videotapes of the Schwartz hearing.

Dr. Hollingsworth moved and Dr. West seconded and all carried to enter executive session for the purpose of discussing litigation.

Dr. Hollingsworth moved and Ms. Averill seconded and all carried to return from executive session.

Law and Rule Changes

Dr. Hollingsworth stated he would be willing to speak on behalf of the Board in support of proposed rules before the Health and Welfare Committee, on Thursday January 14, 1999.

Dr. West moved that Dr. Hollingsworth speak on behalf of the Board with regard to proposed rules on Thursday, January 14, 1999, seconded by Ms. Averill and carried.

Four-Year Degree

Discussion was held regarding the proposed 4-year degree Bill. Dr. West suggested Board members contact others who support the Bill to voice that support, as well as contacting their respective legislators. Dr. Moldenhauer advised that members should attempt to educate anyone whom appears to misunderstand the Bill, i.e., clarify that the 4-year degree can be accomplished during the applicant's chiropractic education.

Ms. Westberg advised that Senator Ipsen, Chair of the Health and Welfare Committee, is the person who should be contacted. Dr. Hollingsworth emphasized the need to be simple, clear and concise in expressing support. Ms. Westberg provided Board members with the 1999 Directory for the 55th Idaho Legislature. Dr. West will contact Senators Ipsen, Whitworth, Wheeler and Darrington; Representative Boe, Representative Williams and Representative Margaret Henbest via Dr. Reedy; Representative Loertscher via Drs. Nelson and/or Mayo. Dr. Boughton will contact Senator Gordon Crow.

Dr. Moldenhauer will contact Representative Sali and Representative Moyle.

Dr. Hollingsworth will contact Representative Reynolds, Representative Bieter, Senator Stegner and Senator King.

IACP Response to Proposed Legislation

Discussion was held regarding the IACP's misunderstood impression of this Bill and the fact that Mr. Pusey had attended the last meeting of the Board. Dr. Hollingsworth expressed disappointment in the IACP's response regarding the proposed legislation, as he believed the association had understood and been supportive of his presentation regarding the law, the effects, the changes, etc. Dr. Hollingsworth felt that the article later printed by association, was totally misleading in comparison to the response at the meeting. Dr. Hollingsworth noted that Dr. Kranz agreed to address this issue and have a retraction printed.

Mr. Hales advised that some misconception may have originated from his letter to the Board which was discussed at the last Board meeting. Mr. Pusey had attended the meeting and received a copy of that letter. The letter was written with all the Board background to clarify Board issues and was not intended as a distraction for IACP members. Dr. Hollingsworth requested a copy of that letter from Mr. Hales.

Dr. West moved that Dr. Hollingsworth be appointed as Board spokesperson for the purpose of addressing the Chairs of the House and Senate Health and Welfare Committees to educate them on the proposed 4-year degree Bill. Seconded by Ms. Averill and carried.

New Business

Temporary Permits

Discussion was held among Board members and Mr. Hales regarding temporary permits. Specifically, Justin Griffin and Angela Kelly made requests for more than one temporary permit, to facilitate the absence of the responsible physician.

Dr. West and Ms. Westberg left the meeting at this time.

Dr. Hollingsworth asked whether the Board had a problem with multiple temporary permits being issued, and Ms. Averill and Dr. Boughton both advised neither had any objection to the practice. Mr. Hales advised that multiple permits were not prohibited. The Board confirmed that a temporary permit application and fee must be submitted for each permit, that a permit is required for each supervising physician and each location, and that the issuance of permits for Mr. Griffin and Ms. Kelly be approved. Dr. Hollingsworth asked that the record reflect that Ms. Kelly is likely working in two separate offices under Drs. Westover and Price. In the case of an applicant for licensure who takes, but does not pass the state Board examinations, a new temporary permit application and new fee must be submitted. Dr. Hollingsworth further advised the temporary permits will run from “exam to exam,” or from original date of temporary permit until the next examination.

There was also discussion held on Idaho Code § 54-711, regarding temporary permits and the need for the law to state “Any person who has submitted a complete application . . .” rather than just “application.” The Board also advised that applicants need to be made aware of this until such time as the Board can draft legislation reflecting the change.

National Boards Part IV

Dr. Boughton presented a scenario, supposing the acceptance of Part IV of the national boards, in which an application for licensure is received with proof of successful completion of Part IV of the national board examination. Dr. Moldenhauer advised that there should be an affidavit signed by the applicant stating they have studied the laws and rules governing chiropractic licensure in lieu of a jurisprudence examination. Dr. Boughton asked, and Dr. Moldenhauer confirmed, that there should be no waiting for the state Board examinations in order to license an applicant, as there would be no examinations, not even jurisprudence. Dr. Moldenhauer stated the application would have to be reviewed and approved by the Board.

Dr. Moldenhauer recommended that discussion be held at the next meeting of the Board regarding issues related to acceptance of Part IV so the Board can be better prepared.

Impending Election of New Officers

Dr. Boughton stated at the next meeting it is necessary to elect new officers to the Board.

Consideration of Requests for Extension of Examination Date

Drs. Moldenhauer and Boughton discussed requests by Michael Young and Thomas Bowles to not sit for today's examination, and wait until the July examinations (if held) pending acceptance of Part IV. The Board agreed that, if each have passed Part IV, and pursuant to acceptance of

Part IV, each would be granted licensure on July 1. If Part IV is not passed, each would sit for the July state Board examinations. Dr. Boughton further elaborated that an examinee is eligible to waive one examination for the next to be given and the Board discussed whether to now write the individuals or await the Legislature's decision with regard to Part IV. The Board agreed that a letter should now be sent to Mr. Young and Mr. Bowles outlining the above. Dr. Moldenhauer advised that the letter to Mr. Young should state that the Board must receive confirmation that he has taken Part IV.

Dr. Hollingsworth moved that the Board grant the extension submitted by Michael Young and Thomas Bowles to sit for the July 1999 examination, seconded by Dr. Moldenhauer and carried.

Official Transcripts for Application

The Board advised that all applicant transcripts received should be official certified transcripts, not photocopies. Dr. Hollingsworth moved that the wording on the cover letter for the Application for Licensure be revised to require certified copies of transcripts and/or diplomas be provided to the Board directly by the colleges and schools, and it was seconded by Dr. Boughton and carried.

Continuing Education

Discussion was held regarding Oregon Board of Chiropractic Examiners' (OBCE) denial of vendor status to Mr. Jay Holder. A letter from the Oregon Board explained the denial was due to a their decision not to recognize his medical and doctoral degrees. Ms. Averill advised that a letter be written to the OBCE thanking that Board for its notification. The Board stated that, for the purposes of CE credit, Mr. Holder's name should be placed on a list of "questionable items."

Board Extends its Appreciation

With regard to the Board's new secretary, Ruth Swan-Brown, Dr. Hollingsworth stated being "profoundly impressed with your organizational skills; we have not had this here in a long time . . . I think we had an exceptional person with a great mentality and historicity in Shirleen, but you're doing something that this Board has never had before. Dr. Boughton echoed the sentiment.

Dr. Hollingsworth expressed further appreciation of Mr. Hales' advice and counsel stating "with all the flack you got when you first got here, you have come up to speed and I have really appreciated your counsel. It's...like a breath of fresh air came along and I've been real impressed. Your advice and counsel have been good and you've done a good job."

Potential Licensure of Michael Hill, D.C.

Ms. Averill moved the Board enter executive session to discuss applicant/examinee. Dr. Boughton seconded and all carried.

Dr. Hollingsworth moved to exit executive session, Dr. Boughton seconded and all carried.

Ms. Averill moved that Roger Hales direct a letter to Michael Hill, D.C., advising him that, should he pass the state Board examinations, discussion will be held with Mr. Hill regarding possible stipulations/conditions for his licensure. Dr. Hollingsworth seconded and all carried.

Establishing Board Policy: EMGs and Vitamin Injections

Discussion was also held regarding EMGs and codes for surface/needle procedures. Dr. Hollingsworth noted this topic and implementation of Part IV will be discussed at the April

conference of the IACP and its prior meeting. Dr. West agreed to draft a position statement for the Board regarding EMGs. Following Mr. Hales' review, the position statement will be distributed first to the other Board members and then to the IACP Board members prior to the IACP conference.

Dr. West initiated Board discussion of nutritional therapy with regard to vitamin injections. Dr. West agreed to find someone to present the questions at the IACP meeting. Discussion was also held concerning whether chiropractors' ability to apply casts could also be related to injection procedures.

Old Business

Dr. Hollingsworth moved, Dr. Boughton seconded and it carried to enter executive session for the purpose of reviewing the file of Gary R. Quinn.

Dr. Hollingsworth moved to return from executive session, seconded by Dr. Boughton and carried.

Dr. Boughton moved that Mr. Hales write a letter requesting that Dr. Quinn provide documentation of any and all steps he has taken to rehabilitate himself and the extent of that rehabilitation. Upon receipt of this information, the Board will again review the matter and consider allowing Dr. Quinn to sit for the examination. Seconded by Ms. Averill and carried.

Dr. Hollingsworth moved to terminate files presented as follow: Richard K. Baker, Rex Barney, Dwain L. Olson, David Ortmann, Steve Riley, Victor Yuen Wing Tong and Anne Marie Rose Vashro. Seconded by Dr. Moldenhauer and carried.

There being no further business to come before the Board at this time, Dr. Hollingsworth moved to adjourn at 4:30 p.m. Motion seconded by Ms. Averill and carried.